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~~CONFIDENTIAL~~

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-01168-RMW
)	
Plaintiff,)	STIPULATION AND []
)	ORDER TO CONTINUE HEARING
v.)	
)	
JAMES NELSEN,)	
)	
Defendant.)	
)	
)	

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the hearing date in the above-captioned matter, presently scheduled for Monday, December 5, 2011, at 9:00 a.m., be continued to Monday, December 19, 2011, at 9:00 a.m. The continuance has been requested because counsel for the government is unavailable on December 5.

The parties further agree and stipulate that time should be excluded from December 5, 2011 through and including December 19, 2011, for continuity of counsel, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A) and (B)(iv). Accordingly, the United States and the defendant agree that granting the requested exclusion of time will serve the interest of justice and

1 outweigh the interest of the public and defendant in a speedy trial.
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5 DATED: November 14, 2011

MELINDA HAAG
United States Attorney

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7 /s/
JEFFREY B. SCHENK
8 Assistant United States Attorney
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11 /s/
VICKI YOUNG
12 Attorney for Defendant
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ORDER

The parties have jointly requested a continuance of the hearing set for December 5, 2011.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for December 5, 2011 be continued to December 19, 2011 at 9:00 a.m. as well as the period of delay from December 5, 2011, to and including December 19, 2011, be excluded for purposes of Speedy Trial Act computations pursuant to 18 U.S.C. §3161.

IT IS SO ORDERED.

DATED: FEB 1 2012


RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE